

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FABRIC SELECTION, INC.,

Plaintiff and Judgment Creditor,

— against —

A&T TRADING US, INC.,

Defendant and Judgment Debtor,

— and —

TD BANK, N.A.,

Third Party Custodian.

20-MC-864 (ARR) (VMS)

Order

**Not for electronic or print
publication**

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated February 5, 2021, from the Honorable Vera M. Scanlon, United States Magistrate Judge. No objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, I order TD Bank, N.A. to deliver and pay immediately to plaintiff the sum of \$107,314.80, plus post-judgment interest, accruing at a daily rate of \$4.29 from February 24, 2020 until the date of payment. I further order TD Bank to pay \$426.80 to plaintiff to cover the costs of process servers, certified mail service, and statutory fee for service through the New York Secretary of State. *See* Pl.'s Decl. Ex. C–G (providing itemized receipts in support of its claim for such costs), ECF No. 13. Plaintiff also seeks, per its declaration filed on February 13, 2021, an additional sum of \$112.58 to cover the cost of the filing fee for registering the judgment in this District and the U.S. Marshals Service fee to process writ of execution. *Id.* Ex. A–B. I find that plaintiff has waived its claim to these additional costs because it failed to include them in its initial motion. I therefore deny its request for an additional sum of \$112.58.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: March 3, 2021
Brooklyn, New York